United Nations E/C.12/COL/Q/6

Economic and Social Council

Distr.: General
4 July 2017
English
Original: Spanish
English, French and Spanish only

Committee on Economic, Social and Cultural Rights

# List of issues in relation to the sixth periodic report of Colombia*

## I. General information

1. Please indicate to what extent the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, adopted on 30 November 2016, takes into account and provides for the realization of economic, social and cultural rights, in particular in relation to the persons and groups most affected by the armed conflict. In this regard, please indicate what steps are envisaged to ensure the participation of the most affected groups and communities in the implementation of these programmes.

2. Please provide information on the specific measures being taken by the State party to provide defenders of economic, social and cultural rights with effective protection from reprisals, including acts of violence, harassment, threats and attempts on their lives and attempts to inflict bodily harm, that they may face because of the work they do. Please report on the measures taken to strengthen the functioning of the National Protection Unit as a special mechanism for the protection of human rights defenders.

3. Please explain how the national public policy on business and human rights that is being developed by the State party will incorporate a legal and regulatory framework to ensure that corporations respect economic, social and cultural rights throughout their activities. In particular, please explain how compliance with the principle of due diligence will be ensured throughout their operations, especially in the extractive industries sector with respect to, for example, oil, mining and power generation projects, and in commercial operations involving the appropriation of land.

## II. Issues relating to general provisions of the Covenant (arts. 1-5)

**Right to freely dispose of natural wealth and resources (art. 1 (2))**

4. Please provide detailed information on how the prior consultation procedure is implemented in practice in order to obtain free, prior and informed consent concerning any legislative or administrative measure that may affect the rights of indigenous and Afro-Colombian peoples, in particular their economic, social and cultural rights. Please provide information on the measures taken to ensure that the draft statutory act to regulate the right to consultation and to prior, free and informed consent complies with international standards and is the subject of proper consultation with indigenous peoples and Afro-Colombian communities.

* Adopted by the pre-sessional working group at its ninth session (27 February–3 March 2017).

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**Obligation to take steps to the maximum of available resources (art. 2 (1))**

5. Please provide information on the budget allocation for social expenditure and its execution over the last five years, in particular in the areas of employment, social security, housing, health and education, indicating what percentage of the total national budget and of gross domestic product each budget line represents. Please indicate the material, technical and human resources allocated for the effective implementation of the National Development Plan 2014-2018.

6. In the light of the Committee's previous recommendation (see E/C.12/COL/CO/5, para. 14), please explain what steps have been taken to ensure that the recent structural tax reform contained in Act No. 1819 of 29 December 2016 is redistributive and helps to reduce inequalities.

7. Please provide information on the number of complaints of corruption filed over the past five years, the investigations conducted, the percentage of such complaints that resulted in convictions, and the protection provided to persons who report cases of corruption.

**Non-discrimination (art. 2 (2))**

8. In the light of the information provided in paragraph 21 of the State party's report, please provide information on the specific steps taken by the State party to adopt a comprehensive anti-discrimination policy that provides for the realization of the economic, social and cultural rights of all individuals without discrimination.

9. Please indicate how the National Development Plan 2014-2018 provides for the implementation of special measures to combat the structural discrimination that significantly affects indigenous and Afro-Colombian peoples.

**Equal rights of men and women (art. 3)**

10. Please provide information, including statistical data, on the impact of the implementation of the National Public Policy on Gender Equality, in particular its action plan for 2013-2016. Please explain how the State party will ensure the participation of women in the implementation of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace.

## III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

**Right to work (art. 6)**

11. Please provide updated statistics on unemployment and underemployment rates, disaggregated by age, sex, ethnic or national origin, educational level, income and urban/rural area of residence. Please furnish further information on the impact of the measures taken by the State party to promote employment among women, youth and persons with disabilities.

**Right to just and favourable conditions of work (art. 7)**

12. Please provide information on the measures taken by the State party to improve working conditions in rural areas, in particular in the agricultural sector, and to provide better job opportunities. Please report on the measures taken by the State party to prevent campesinos from being employed to help in the manual eradication of coca crops and on the reparation measures that have been implemented in cases where those workers or their families have been harmed by their participation in such work.

13. Please indicate whether the legal minimum wage currently in force in the State party is sufficient to ensure a decent living for workers and their families. Please also report on the measures taken to ensure that all workers, especially workers in rural areas, receive the minimum wage.

**Trade union rights (art. 8)**

14. Please provide information on how, in practice, the legislative and administrative measures that have been taken to ensure that workers are able to exercise freely their trade union rights. In the light of the Committee's previous recommendation (see E/C.12/COL/CO/5, para. 11), please provide information on measures to prevent all acts of violence, including assaults, threats and killings, against trade unionists, and, in particular, please indicate the number of protection schemes put in place for trade unionists by the National Protection Unit. Please report on the number of investigations that have been carried out in the last five years into cases of violence against trade unionists, the number of cases prosecuted and, as appropriate, the convictions handed down.

**Right to social security (art. 9)**

15. Please provide updated information on the steps taken to overcome the challenges facing the State party in the area of social security, in particular to extend social security coverage to everyone, including workers in the informal economy, homeless persons and self-employed workers.

**Protection of the family, mothers and children (art. 10)**

16. In the light of the Committee's previous recommendation (see E/C.12/COL/CO/5, para. 16), please provide information on the impact of the implementation of the policy on preventing the recruitment and use of children and adolescents by illegal armed groups. Please also provide detailed information on the measures taken to ensure the demobilization, reintegration and rehabilitation of child and adolescent victims of recruitment and on the human, material and technical resources allocated for the implementation of those measures.

**Right to an adequate standard of living (art. 11)**

17. Please explain how the programmes that make up the National Plan on the Elimination of Poverty have helped to address the disparities between urban and rural areas and please describe the impact of those measures on the most disadvantaged and marginalized groups. In this regard, please include information on the resources allocated for the implementation of such measures and indicate whether these resources have proved to be sufficient.

18. Please provide further information on the measures taken by the State party to move ahead with the restitution of land to victims of the armed conflict, including indigenous and Afro-Colombian peoples. Please also provide further information on the comprehensive rural reform, which is part of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, and the land restitution measures envisaged.

19. Please report on the programmes in place to ensure the social and economic reintegration of Colombian refugees who have returned to the State party, in particular with regard to access to an adequate standard of living, to work and to education.

20. Please provide information on the specific steps taken by the State party to ensure that the victims of internal forced displacement have access to an adequate standard of living, including adequate housing, and to basic services such as water and sanitation, health care, education and social assistance.

21. Within the framework of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, please report on the specific measures being taken by the State party to ensure that programmes for the voluntary substitution of illicit crops provide alternative forms of development for coca leaf growers. Please also report on the mechanisms established to ensure that the communities concerned participate in the preparation and implementation of those programmes. Please indicate whether the State party intends to take similar measures to address the problem of illegal mining.

22. Please provide information on the results of the implementation of the National Food Security and Nutrition Policy in ensuring the right to adequate food of the most disadvantaged and marginalized groups, in particular those living in rural and remote areas.

those affected by the internal conflict and those most vulnerable to the effects of climate change.

23. Please provide information on the results of the implementation of the policy on the provision of drinking water and basic sanitation in rural areas, mentioned in paragraph 155 of the State party's report, in particular in the Colombian Pacific area. Please also report on the measures taken to prevent the disproportionate use of water by mining activities and the resulting water pollution.

**Right to physical and mental health (art. 12)**

24. Please provide information, including specific data, on how the public health plan for 2012-2021, mentioned in paragraph 176 of the State party's report, has helped to promote the availability, accessibility, acceptability and quality of health-care services, in particular in rural and remote areas and for persons with low incomes. Please provide information on how the plan is helping to increase the number of health centres, improve conditions in existing health centres, facilitate access to medicines and increase the number of medical professionals.

25. Please provide information on the measures taken by the State party to ensure that women and girls, in particular victims of gender violence and sexual violence, and victims of forced displacement have effective and timely access to health services, including sexual and reproductive health services, and to psychological support services.

26. Please provide information on the specific measures taken by the State party to counter the adverse effects on the environment and health caused by the development of projects involving the exploitation of natural resources. In this connection, please provide information on any cases that have been investigated, prosecuted and, as appropriate, the convictions handed down.

27. Please report on the specific steps taken to determine what negative effects the use of glyphosate or of other harmful substances to combat the illicit cultivation of coca have on affected campesinos and communities and whether mechanisms of redress have been envisaged for those persons and communities.

**Right to education (arts. 13 and 14)**

28. Please report on the results of the measures taken to ensure that children from marginalized and disadvantaged groups, in particular indigenous and Afro-Colombian children and child victims of internal displacement, have access to preschool education and to free primary education. Please also report on the measures taken to eliminate the indirect costs of education, including the cost of school supplies, uniforms and food. Please describe the steps taken to improve school infrastructure.

29. Please provide information on the steps taken to improve the quality of both primary and secondary education, particularly in public schools and in rural and remote areas. Please provide information on the measures taken to increase the number of qualified teachers and to ensure that they are provided with adequate employment benefits and quality initial education and in-service training.

**Cultural rights (art. 15)**

30. Please provide information on the specific steps taken to foster awareness among the general public of cultural diversity and the protection of the cultural heritage of indigenous peoples and Afro-Colombian communities. Please also provide information on the measures taken, including intercultural education, to help ethnic groups preserve, develop, express and disseminate their identity, history, culture, languages, traditions and customs.



GE.17-11157

United Nations E/C.12/COL/Q/6/Add.1

Economic and Social Council

Distr.: General
20 July 2017
English
Original: Spanish
English, French and Spanish only

**Committee on Economic, Social and Cultural Rights**
**Sixty-second session**
18 September-6 October 2017
Item 6 (a) of the provisional agenda
**Consideration of reports: reports submitted by States parties in accordance with articles 16 and 17 of the Covenant**

# List of issues in relation to the sixth periodic report of Colombia

**Addendum**

## Replies of Colombia to the list of issues*, **

[Date received: 5 July 2017]

* The present document is being issued without formal editing.
** The annexes to the present report may be consulted in the secretariat file. They may also be found on the Committee's website.

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# I. General information

## 1. Realization of economic, social and cultural rights within the framework of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace (hereinafter Final Agreement)

1. One of the main goals of the Final Agreement is to improve the quality of life of the inhabitants of rural areas, who were the ones affected by the conflict. A number of measures were to guarantee the rights of these populations were agreed on accordingly. The National Plans for Comprehensive Rural Reform were thus set up with the objective, on the one hand, of overcoming poverty and inequality in order to ensure the well-being of the rural population and, on the other, integrating and closing the gap between rural and urban areas. The plans involve: (i) infrastructure and land development; (ii) social development: health, education, housing, poverty eradication; (iii) incentives for agricultural production and an economy of solidarity and cooperation; and (iv) a system for progressively enhancing guarantees to the right to food.

2. Various forums were established for participation in the implementation of certain mechanisms relating to such matters as the Regional Development Programmes, the prioritization, implementation and follow-up of work on the infrastructure and land development plan, the housing solutions put forward in the national social development plan and the development of food and nutrition plans.

3. Two forums were set up by the Commission for Follow-up, Promotion and Verification of the Implementation of the Final Agreement, one for ethnic communities and the other for women, to monitor the implementation of the Final Agreement and to ensure the mainstreaming of the ethnic and gender approaches. The functions of these forums include serving as a direct liaison with the Commission, making recommendations and performing an advisory role for the issues under their remit.

## 2. Protection of human rights defenders and strengthening of the National Protection Unit

4. It should be noted that, in Colombia, the protection of human rights defenders is assured, regardless of the type or category of rights that they protect, in acknowledgment of the fact that human rights are universal, indivisible, interrelated and interdependent.

5. To that end, the National Round Table on Guarantees was established to act as a high-level, tripartite body involving the State, civil society and the international community, exclusively dedicated to planning and developing measures agreed with human rights defenders, so that they can carry out their task freely.

6. In addition, the High-level Panel on Guarantees of Non-repetition was established in March 2016. The Panel's main function is to monitor and promote the investigation of threats against human rights defenders, to put forward preventive measures and to provide the necessary protection to safeguard their lives, integrity, liberty and personal security.

7. As a key component of the effective implementation of the Final Agreement, a unified command post was set up in December 2016 to monitor and assess attacks against human rights defenders and social leaders. The command post is led by the Ministry of National Defence, with the participation of the Office of the President of the Republic, the Ministry of the Interior, the Presidential Advisory Office for Human Rights, the General Command of the Armed Forces, the National Police, the Attorney General's Office and the National Protection Unit.

8. The Colombian Government has allocated a budget of over US$ 160 million to run the National Protection Unit. In addition, Decision No. 1085 of 2015 established a road map for collective protection, enabling the Unit to conduct risk assessments of the different conditions or situations to which communities or groups are exposed.

### 3. National public policy on business and human rights and the due diligence principle

9. The National Plan on Business and Human Rights is a public policy instrument that sets out directions and strategies for businesses to improve their management with the communities in which they operate, thereby harmonizing protection and guaranteeing human rights and economic development. The plan envisages an inter-agency approach that will involve all the relevant entities of the National Government and civil society. It prioritizes three economic sectors (mining and energy, agro-industry and road infrastructure), since they are the most likely to cause social conflict, given their impact on human rights and the environment.

10. The lines of action set out in the Plan contain commitments of various kinds and it is possible that legal or regulatory instruments will be required to implement them. However, there are no instruments of that nature in the current version of the Plan or its upgrades.

11. Bearing in mind that the primary objective of the Plan is to establish the agenda of the Guiding Principles on Business and Human Rights and other international standards in Colombia, various initiatives have been undertaken that seek to highlight good practices and share lessons learned in applying the due diligence principle. Through various multiparty forums, a consensus has been reached and guidelines and policies applying specifically to sectors engaging in high-risk business activity have been prepared. The starting point for this consensus-building is such regional planning tools as the departmental and municipal development and land-use plans.

## II. Issues relating to the general provisions of the Covenant (arts. 1-5)

### Article 1 (2)

### 1. Prior consultation procedure

12. The President of the Republic issued Presidential Directive No. 10 of November 2013 in order to promote and protect the fundamental right to prior consultation of the country's ethnic communities. The Directive established an inter-agency guid. to conducting prior consultation by standardizing procedures already identified by the Constitutional Court and establishing the steps to be taken, the results and the evidence at every stage of the consultation, as follows:

- Verification stage. The presence of ethnic groups in the area of the project is verified. See annex I
- Pre-consultation stage. The legal framework for prior consultation is put to the community and the methodology to be applied is agreed upon in accordance with Decision No. C-461 of 2008. At this stage, moreover, the project, and the company that will implement it, is presented to the community
- Prior consultation stage. The project's specific activities are scrutinized and the consultation agreements are concluded over three phases:
    - Analysis and identification of impacts and formulation of handling procedures
    - Drafting of agreements
    - Formal completion
- Closure. Compliance with the commitments made and legally registered is verified. The consultation process is closed once all the commitments have been fulfilled

13. Before embarking on the promulgation and adoption of regulations on the fundamental right of prior consultation, in October 2016 the National Government put the draft statutory act before the representative authorities of the country's ethnic communities: the National Forum of Black, Afro-Colombian, Raizal and Palenquero Communities has

been set up, the Standing Committee on Consultation with Indigenous Peoples and the National Commission for Dialogue for Roma People. Subsequently, the Ministry of the Interior approached all these bodies to emphasize the need to introduce the regulations on prior consultation, and various activities were conducted involving government bodies, trade unions, political parties, communities and academics.

14. However, as the result of an independent decision by the delegates of the National Forum of Black, Afro-Colombian, Raizal and Palenquero Communities, it was not possible to move the matter forward, partly because the consultation process depended on the assessment of various other issues. Finally, in March 2017, an extraordinary meeting of the Standing Committee on Consultation with Indigenous Peoples was held, at which the draft statutory law was withdrawn by the National Government.

15. The Government is currently in the process of developing a new draft law, which will involve the participation of the relevant national entities. It will encourage forums for consultation with the representative organizations of the indigenous peoples and indigenous organizations and will also carry out various educational activities, including meetings with economic, social and education professionals, in order to ensure that the draft law meets all international standards.

## Article 2 (1)

**2. Budgetary resources allocated to social expenditure**

**Ministry of Finance and Public Credit — Distribution of social expenditure**

*(billions of pesos)*

| *Item* | *2013* | *2014* | *2015* | *2016* | *2017* |
|---|---|---|---|---|---|
| Employment and social security | 52 108 | 55 977 | 61 557 | 59 890 | 58 520 |
| Education | 22 095 | 23 158 | 24 767 | 26 223 | 28 384 |
| Health | 15 048 | 21 649 | 22 768 | 24 844 | 25 502 |
| Drinking water and environmental sanitation | 3 278 | 3 585 | 3 204 | 2 925 | 3 015 |
| Social housing | 2 396 | 2 673 | 3 004 | 1 786 | 2 204 |
| Culture, sport and recreation | 1 557 | 1 181 | 1 169 | 828 | 843 |
| Social expenditure | 96 482 | 108 222 | 116 469 | 116 496 | 118 468 |
| Budget excluding interest payments | 138 558 | 155 418 | 167 255 | 167 293 | 170 086 |
| Percentage share of social expenditure excluding interest payments | 6 963 | 6 963 | 6 964 | 69 64 | 6 965 |
| Debt is not included, since it amounts to the servicing of loans that financed expenditure in the year of receipt | | | | | |
| Gross domestic product (GDP) | 710 497 | 757 065 | 799 312 | 862 675 | 916 920 |
| Item | | | Percentage of GDP | | |
| Employment and social security | 7 3 | 7 4 | 7 7 | 6 9 | 6 4 |
| Education | 3 1 | 3 1 | 3 1 | 3 0 | 3 1 |
| Health | 2 1 | 2 9 | 2 8 | 2 9 | 2 8 |
| Drinking water and environmental sanitation | 0 5 | 0 5 | 0 4 | 0 3 | 0 3 |
| Social housing | 0 3 | 0 4 | 0 4 | 0 2 | 0 2 |
| Culture, sport and recreation | 0 2 | 0 2 | 0 1 | 0 1 | 0 1 |
| Social expenditure | 13 6 | 14 3 | 14 6 | 13 5 | 12 9 |
| Budget without debt | 19 5 | 20 5 | 20 9 | 19 4 | 18 5 |

*Source*: Ministry of Finance and Public Credit, Directorate General of the National Public Budget

### 3. Structural tax reform

16. The tax reform is part of the National Government's effort to modernize the tax system. The aim is to make it simple, progressive and fair. To that end, some taxes were abolished, procedures and return forms were simplified and accountancy practices were brought into line with taxes. The reform also had the effect of making the system fairer by protecting the ability to pay of the Colombians most in need and creating a level playing field for all taxpayers.

17. The progressive element consists in a change to personal income tax to ensure that those who earn more pay more. The main reason for this change is that, without the reform, tax benefits would mainly favour Colombians on higher incomes, who do not spend the entirety of their income on essential expenses.

18. When it comes to redistribution, part of the tax revenue will be allocated to funding public higher education, to supporting scholarship and education loan programmes run by the Colombian Institute for Student Loans and Study Abroad and to securing and improving the Colombian health service, among others.

### 4. Number of complaints of corruption received by the Attorney General's Office, 2012-2016, and percentage of these that resulted in a conviction

| *Year* | *Complaints received* | *Convictions* | *Percentage* |
|---|---|---|---|
| 2012 | 12 966 | 261 | 2.0 |
| 2013 | 12 765 | 230 | 1.8 |
| 2014 | 11 997 | 323 | 2.7 |
| 2015 | 12 549 | 175 | 1.4 |
| 2016 | 13 818 | 58 | 0.4 |
| **Total** | **64 095** | **1 021** | **1.6** |

*Source*: Oral Accusatory System of Criminal Justice, provided 10 March 2017.

## Article 2 (2)

### 5. Comprehensive anti-discrimination policy

19. Pursuant to Decision No. 1154 of 2012, as amended by Decision No. 0540 of 2016, the Ministry of the Interior set up the Observatory on Discrimination and Racism as a mechanism for monitoring and following up acts of discrimination and racism, with a view to generating material for the formulation of public policies in the area.

20. Through the Observatory, the Ministry has advised and assisted victims of acts of racial discrimination and racism, as defined in Act No. 1482 of 2011. Furthermore, it has followed up complaints made to the competent bodies with a view to enhancing investigation and punishment, thereby protecting the rights that have been violated.

21. The Ministry is currently in the process of strengthening the technical capacities of the Observatory on Discrimination and Racism in order to tackle discrimination from an intersectional perspective. This will enable other criteria to be considered, such as sex, gender, sexual orientation, gender identity or gender expression, ethnic affiliation, skin colour, national, family or social origin, language, religion, beliefs, world view or political, ideological or philosophical opinion.

### 6. National Development Plan

22. Based on the outcome of the prior consultation, and following an initiative by both the executive branch and the legislature, the National Development Plan 2014-2018 contained a total of 258 commitments made specifically for the benefit of the country's constitutionally recognized ethnic groups: the Black, Afro-Colombian, Raizal and Palenquero communities, the indigenous peoples and the Roma people.

23. In order to meet those commitments, the National Government has not only taken action to guarantee the rights of the ethnic groups by adopting differentiated action measures but has allocated resources specifically to guarantee the implementation of investment projects, using every source of public money available at all three levels of government: national, departmental and municipal or district. Thus, in 2015 and 2016, resources of the order of 5 billion pesos were allocated.

24. The role of ethnic groups as subjects of rights, on the basis of the commitments made in the National Development Plan 2014-2018, has transcended the concept of beneficiary or recipient and elevated ethnic groups into persons directly participating in every stage of the preparation of plans, programmes and projects, the scheduling of projects and the social control and follow-up of the outcomes of the country's public sector management.

### Article 3

#### 7. National public policy on gender equity: Plan of Action 2013-2016

25. Annex 2 shows some of the results of the public policy on gender equity, under each of its headings.

26. As stated in paragraph 3, a special forum has been set up to help ensure that the gender perspective is mainstreamed in the implementation of the Final Agreement. The forum will be made up of seven women put forward by national and regional women's organizations, who will be nominated in their personal capacity, with the support of their organizations, of which four will be regional organizations. One of the women will be required to be a victim of the armed conflict, two must represent national organizations and one must be nominated by lesbian, gay, bisexual, transgender and intersex (LGBTI) organizations.

## III. Issues relating to specific provisions of the Covenant (arts. 6-15)

### Article 6

#### 1. Unemployment rates

27. The fall in the unemployment rate has led to the lowest levels of unemployment of the past 16 years (9.2 per cent in 2016), along with the highest participation and employment rates. This was accompanied by the creation of 3.3 million jobs, 72 per cent of which were in formal employment. During this period, the National Government also implemented policies to reduce informal employment, achieving an increase of 6.5 per cent in the rate of formal employment over the past seven years.

| *Disaggregation by category* | *Indices by category* | *Unemployment rate* | *Underemployment rate* | |
|---|---|---|---|---|
| | | | *Objective* | *Subjective* |
| **National total** | **National total** | **9.2** | **10.3** | **27.9** |
| Sex | Men | 7.1 | 10.0 | 27.3 |
| | Women | 12.0 | 10.5 | 28.6 |
| Age | 10-17 | 11.8 | 5.4 | 21.0 |
| | 18-28 | 16.1 | 13.4 | 32.0 |
| | 29-40 | 8.1 | 11.8 | 30.1 |
| | 41-60 | 5.7 | 8.4 | 26.3 |
| | 61 and over | 4.7 | 4.0 | 15.5 |
| Educational level | Up to basic primary | 5.2 | 7.8 | 27.0 |

| Disaggregation by category | Indicator by category | Unemployment rate | Underemployment rate | |
|---|---|---|---|---|
| | | | Objective | Subjective |
| | Basic secondary | 9.3 | 10.1 | 30.4 |
| | Middle school | 10.6 | 11.4 | 30.1 |
| | Higher or university | 11.8 | 11.6 | 25.6 |
| Area | Urban areas | 10.1 | 10.7 | 27.7 |
| | Populated centres and remote rural areas | 5.1 | 8.5 | 28.5 |

Calculations: GIL-SAMPL-Directorate General of the Financial Sector Evaluation Programme, on the basis of the National Department of Statistics Comprehensive Household Survey. Available at filco.mintrabajo.gov.co/FILCO/

## Article 7

### 2. Working conditions in rural areas

28. The Regional Renewal Agency was set up to coordinate the work of the various sectors active in the field in Colombia and to act as manager and supervisor of participatory planning processes at the submunicipal, municipal and regional level and of the investments deriving from them. The Agency is preparing to undertake work in 170 selected towns, in which plans of action for regional transformation will be developed. This will involve establishing a broad collective vision of the social and economic development of a given region, in accordance with the provisions of the Framework Plan on the Implementation of the Peace Agreement.

29. Pursuant to the Peace Agreement, two draft decree laws are being prepared. The first is aimed at establishing a system for the inspection, supervision and monitoring of employment with a view to preventing abuse and strengthening the inspection of permanent employment, along with a programme to monitor peripatetic work in rural areas. Other provisions will be included. The objective of the draft decree law is that the system will act as a guarantor of the basic social rights of workers in rural areas, with a view to resolving conflict and seeking reconciliation.

30. The second draft decree law seeks to regulate issues relating to the strategy on enterprise and rural employment programmes. The law will (a) determine the general direction of financial programmes and initiatives for rural areas through the Solidarity Fund for the Promotion of Access to Employment and the Protection of Unemployed Persons,[1] (b) establish mechanisms and procedures for the design and implementation of such programmes; (c) promote plans for partnerships between family allowance funds and other public or private parties to operate the programmes.

31. Under the defence sector strategy to combat drug trafficking in Colombia, the manual eradication of illicit crops is undertaken using one of three methods: (i) spraying, (ii) by mobile eradication groups or (iii) by soldiers.

32. Methods (i) and (iii) are applied exclusively by military personnel. The mobile eradication groups are civilians who voluntarily undertake to work on the eradication of illicit crops, who receive training in carrying out their duties and are protected by the security forces.

33. The Directorate for Integrated Action against Anti-Personnel Mines conducts mine-risk training activities, in which civilian manual eradicators are included, on dealing with anti-personnel mines,[2] unexploded ordnance[3] and improvised explosive devices[4] in the

[1] Fondo de Solidaridad y Fomento al empleo y proteccion al cesante.
[2] Sometimes referred to by the short form APM.
[3] Sometimes referred to by the short form UO.
[4] Sometimes referred to by the short form IED.

areas affected. It is worth noting that, since 2015, no accidents to civilian personnel from anti-personnel mines, unexploded ordnance or improvised explosive devices have been registered.

34. In February 2017, the National Government issued a decree governing contracts for the manual eradication of illicit crops in the framework of the Final Agreement. However, the Constitutional Court ruled that the decree was unconstitutional, in that it should not have been issued under the extraordinary powers provided for in the Peace Act. The Government is currently trying to resolve the situation.

### 3. Legal minimum wage in force

35. Discussions on setting the minimum wage were held by the Standing Committee on the Coordination of Wages and Employment Policy, a tripartite body established pursuant to article 56 of the Constitution and governed by Act No. 278 of 1996, article 8 of which establishes the steps to be taken in setting the minimum wage.

36. The constitutionality of this legislation was considered in Decision No. C-815 of 1999, in which the Constitutional Court reviewed the criteria set out in the Act in order to determine what should be taken into account when setting the minimum wage, with a view to avoiding any loss of purchasing power as a result.

37. The minimum wage was set in accordance with the Act and safeguards the right to an adjustable minimum living wage that should be guaranteed for workers on such a wage.

38. As regards the measures taken to ensure that all workers, particularly workers in rural areas, receive the minimum wage, the Ministry of Labour, together with other bodies, set up the first Academy of Rural Development and Decent Work for Peacebuilding, the aim of which is to provide training and resources to promote the comprehensive development of rural areas and the provision of decent work in the post-conflict context. This initiative forms part of the memorandum of understanding signed by the International Labour Organization (ILO) and the Colombian Government in 2015 on the creation of more and better jobs in the rural sector.

## Article 8

### 4. Measures to guarantee the exercise of trade union rights

39. The Colombian Inter-Agency Commission for the Promotion and Protection of Workers' Human Rights, established under Decree No. 1411 of 1997, is headed by the Ministry of Labour, with the participation of representatives of the Unified Federation of Workers, the General Workers Confederation and the Workers Confederation of Colombia, delegates of the National Trade Union School, the National Association of Entrepreneurs of Colombia and ILO. The Commission deals with issues relating to initiatives for the implementation of international conventions in the field of workers' human rights (case No. 1787 and case No. 2761) and ILO requirements with respect to violations of the safety and personal freedom of leaders and the exercise of the right of association.

40. The Committee for Risk Assessment and Recommended Measures is an inter-agency body that reviews and analyses the situation of workers or leaders representing various populations who have been subjected to threats. The Committee requests the National Protection Unit to carry out studies on the level of risk and, when the situation warrants it, the necessary protection measures are ordered. As of May 2017, the National Protection Unit has protected 475 union leaders and activists.

41. With respect to investigations, the Attorney General's Office received 153 complaints between 2011 and 2016, of which 121 are under active investigation and 32 have been completed. Fifteen cases were closed (2 because the perpetrator could not be found and 13 because the conduct did not actually constitute an offence); two cases were dismissed (one because the suspect had died and the other because the accused had died); one case was wound up because it was related to another case and 14 investigations resulted in a conviction.

| | Active | Completed cases | Overall total |
|---|---|---|---|
| 2011 | 28 | 7 | 35 |
| 2012 | 2 | 7 | 9 |
| 2013 | 24 | 9 | 33 |
| 2014 | 47 | 2 | 1 |
| 2015 | 19 | 4 | 23 |
| 2016 | 9 | 32 | 12 |
| **Overall total** | **123** | **32** | **153** |

Source: National Directorate of Police Stations and National Directorate of Public Safety.

**Specialized Human Rights Unit**

42. Significant progress has been made in 53 investigations, which, as at 31 March 2017, include cases in which a verdict has been handed down, cases at the trial stage, cases at the investigation stage, dismissed cases and cases at the preliminary investigation stage with arrest warrants issued, as follows:

| Investigation stage | Cases | Crimes committed | Persons deprived of their liberty |
|---|---|---|---|
| Sentence enforcement | 20 | 34 | 34 |
| Trial | 12 | 24 | 23 |
| Investigation | 13 | 26 | 25 |
| Grouped | 2 | | |
| Preliminary investigation | 6 | with a valid arrest warrant | |
| **Total** | **53** | **90** | **82** |

In the period under review, 28 convictions were handed down in 20 cases against 34 persons for the murder of 25 persons.

## Article 9

### 9. Social security measures adopted

43. The Ministry of Labour's Subdirectorate for the Formalization and Promotion of Employment established the National Network for the Formalization of Employment in 2014, which is responsible for steering actions to promote the formalization of employment. The Network seeks to promote decent work and extend and consolidate coverage of the contributory regime of the Comprehensive Social Security System by proposing and implementing proactive policies in the area of job creation and formalization of employment.

44. The following are some of the reforms that have been implemented to reduce distortions in the labour market, especially with regard to the informal status of some sectors of the population:

- Decree No. 2616 of 2013, which regulates social security contributions for part-time workers or workers employed for periods of less than one month, allows for the contribution to be adjusted to the time worked and thus encourages the formalization of such workers. This measure seeks to protect many jobs in the service, trade and agro-fishery sectors. In 2014, the first year that this mechanism was implemented, a monthly average of 11,852 workers were making contributions, whereas, by the second year, this number had risen to 21,247[9]

- As a State party to the ILO Domestic Workers Convention, 2011 (No. 189), Colombia has taken two important steps to guarantee and equalize the conditions of such workers through the following legislation:
    - Decree No. 721 of 2013, which regulates the participation of domestic workers in family allowance funds, payable by employers; as at March 2016, there were 104,015 female domestic workers affiliated to these funds
    - Act No. 1788 of 2016, which establishes the compulsory payment by employers of a service bonus, which corresponds to one month's salary for every year worked or the equivalent. Upon entry into force of this Act, employers will have to pay the service allowance for both daily and permanent workers
- Decree No. 1047 of 2014 establishes rules to ensure the affiliation of taxi drivers in the public transportation service to the Comprehensive Social Security System. Under this mechanism, insurance coverage is required for operating or driving a taxi and payment must be made by the taxi company or by the driver, if he or she is self-employed. As a result of this measure, by the end of 2015 just over 14,000 taxi drivers were insured under the Comprehensive Social Security System
- In 2016, Decree No. 1563 was issued, allowing self-employed workers who earn one or more times the current minimum statutory monthly wage to become a voluntary member of the general occupational hazard system, without the requirement of an employment contract or relationship. This means that workers in some 327 occupations, most of whom are self-employed, can directly join an occupational hazards administrator. Since the Decree was issued, 1,871 workers have joined

## Article 10

### 6. Policy on preventing the recruitment and use of children and adolescents by illegal armed groups

45. First, it is pertinent to clarify in respect of the recommendation in paragraph 16 (a) of the Committee's concluding observations (E/C.12/COL/CO/5) that Colombia should: "Fully implement its Directive No. 500-2 of 2005 aimed at developing strategies to prevent child recruitment by armed forces", that this Directive refers to the role of the armed forces in preventing the recruitment of children by illegal armed groups, since Act No. 418 of 1997, as extended by Act No. 548 of 1999 and amended by Act No. 642 of 2001, provides that children under 18 years of age may not be recruited for military service.

46. With regard to the impact of the policy on the prevention of the recruitment and use of children and adolescents, implemented since 2007, the following progress has been made:

- Activities to prevent the recruitment and use of children and adolescents continue to be developed in the context of the road maps for early and urgent prevention and protection. Thus, during the period from July 2010 to September 2016, 17 children received direct protection and 15 received indirect protection, together with their families, to prevent them from being recruited. Similarly, in the framework of urgent prevention measures against collective threats, 123 children were protected between July 2010 and February 2015
- As a result of this policy, through the implementation of National Economic and Social Policy Council document No. 3673, 85 plans, strategies, programmes, projects or permanent or temporary strategic activities were put into operation, mainly in the fields of culture, sport, health care and welfare, in at least 1,082 municipalities, with a view to preventing the recruitment and use of children and adolescents and sexual violence against them. Attention was also paid to improving the quality of education, institutional strengthening and promotion of the rights of children and adolescents
- All child and adolescent victims of the armed conflict are entitled to the full restoration of their rights, to truth, justice, full reparation, guarantees of non-

repetition and action to strengthen their comprehensive protection from all forms of violence, as established in Act No. 1448 of 2011 — the Victims Act — and Act No. 1098 of 2006, the Children and Adolescents' Code.

- The legal framework created and the de-escalation of the conflict have been determining factors in reducing the numbers of child and adolescent victims; for example, whereas in 2012, 119 children and adolescents were reported to have been victims of anti-personnel mines or unexploded ordnance, that number fell to 3 in 2016. The number of cases in the register of victims of offences against the sexual integrity and sexual freedom of persons under the age of 18 fell from 55 in 2012 to 11 in 2016.

- Since 1999, a specialized programme has been in place for the restoration of the rights of child and adolescent victims of unlawful recruitment who have left organized illegal groups, the aim being to ensure their comprehensive protection through measures to restore their rights and assist their comprehensive reparation. Under this programme, 1,909 children and adolescents, including members of indigenous and Afro-descendent populations, were provided with care in the period between January 2010 and October 2016.

47. The Government is absolutely committed to ensuring the release of all children and adolescents who have been victims of recruitment by illegal armed groups. Thus, in the Final Agreement reached with the Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia) (FARC) in August 2016, international standards relating to the protection of children and adolescents were taken into account and, among other conditions, the possibility of granting amnesty or clemency for the offence of child recruitment was ruled out. The release of minors in camps of the Revolutionary Armed Forces of Colombia — People's Army (FARC-EP) was also provided for, and that process began in September 2016, with an initial handover of 13 persons, who were accommodated in a temporary shelter with the highest standards for children and adolescents under the permanent supervision of the competent authorities and with the full support of the United Nations Children's Fund (UNICEF) and the International Organization for Migration (IOM). This first group of adolescents is going through the process of rights restoration, comprehensive reparation and social inclusion.

48. As stipulated in the Final Agreement, the National Reintegration Council adopted the special "Differential Life Path" programme, which provides for special measures for the reintegration of minors who leave the FARC-EP until all arms have been laid down. The programme aims to ensure that all persons under the age of 18 who leave the FARC-EP have the tools necessary for the reconstruction and consolidation of their life plans within the framework of the full restoration of their rights, full reparation, reintegration and social inclusion through institutional coordination and the active involvement of the minors themselves, their families, their communities and the social organizations in their communities of origin. The programme is composed of four processes: (i) the release of the minors; (ii) the restoration of their rights; (iii) comprehensive reparation; and (iv) their reintegration and social inclusion.

## Article 11

### 7. National Plan on the Elimination of Poverty

49. Investment in the Social Prosperity social programmes has helped to overcome income poverty and poverty in all its dimensions. Institutional support to improve people's living conditions has had a greater impact in rural than in urban areas and done more to alleviate extreme poverty than moderate poverty, inasmuch as, without institutional assistance, extreme poverty in urban areas would have been 6.4 per cent rather than 5.6 per cent and in rural areas would have reached 21.2 per cent and not 18.1 per cent, as is actually the case.

50. With regard to measures to assist persons living in poverty and vulnerable groups in rural areas, a total of 3,028,814 households nationwide have benefited since 2012 from the

More Families in Action programme, of which 41 per cent — or 1,247,479 households — are in rural areas, including populated and sparsely populated rural areas. In 2016, the cost of implementing the programme amounted to 1,912,326 billion pesos.

51. Programmes designed specifically for the rural population are being implemented. Through the provision of rural family assistance and the United Network, 359,206 rural households have been identified and received support to alleviate poverty. The target is to reach 650,000 households by 2018.

52. The implementation budget for comprehensive rural action in 2016 was approximately 138,000 million pesos.

### 8. Land restitution procedures for victims of the armed conflict

53. Act No. 1448 of 2011 established a fast-track legal procedure to restore and formalize the ownership of land of victims of dispossession and forced abandonment and to resolve, definitively and efficiently, the problems associated with the loss of property on two levels, the administrative and the judicial. Decree Laws Nos. 4829, 4633, 4634 and 4635 have also been issued, establishing the procedure for restoring the territorial rights of victims belonging to indigenous, black, Afro-Colombian, Raizal, Palenquero and Roma peoples and communities.

54. The Government ensures the sustainability of the policy by reducing the property, financial and tax liabilities arising out of land restitution, by operating a productive projects programme and by prioritizing housing.

55. Under the Ministry of Agriculture and Rural Development's circular No. 8 of July 2015, the heads, managers or directors of bodies attached or linked to the Ministry were requested to provide bimonthly updates on the strengthening of the public land restitution policy of the agriculture, fisheries and rural development sector.

56. With regard to access to land in the context of the comprehensive rural reform provided for in chapter 1 of the Final Agreement, it was agreed to establish a fund to distribute land to farmers who have insufficient or no land. Over a period of 12 years, the fund should have 3 million hectares of land available. Additional measures were established, such as the comprehensive land subsidy and the land purchase hotline. Another important goal with regard to access has to do with the formalization of property rights. The target set under the Final Agreement is to formalize the ownership of 7 million hectares.

57. As regards land restitution as a means of realizing victims' rights, the Final Agreement includes as part of the "Comprehensive reparation measures for building peace" (chapter 5.1.3) a section on land restitution, specifying that there should be coordination between the collective reparations proposed under the Final Agreement and the regional development programmes, with a commitment to strengthening and revitalizing land restitution. To that end, measures agreed upon include: (i) the interoperability of the single register of abandoned property and land with the central register of victims; (ii) the involvement of the regional authorities in the land restitution policy through the regional development plans; and (iii) support for the beneficiaries of restitution to rebuild their lives, for example, through income generation strategies and strategies for the reconstruction of the social fabric.

58. Among the legislative advances, Decree No. 902 of 2017 sets out measures to facilitate the implementation of the comprehensive rural reform provided for under the Final Agreement in relation to land, specifically the procedure for obtaining access to and formalizing landownership, and the establishment of the Land Fund, which involves developing mechanisms and guarantees of access to land for men and women who have insufficient or no land, given the current structure of the rural ownership of land. As part of this process, the following decrees were issued: Decree No. 893 of 28 May 2017 on regional development programmes, and Decree No. 890 of 28 May 2017 on the National Plan for the Construction and Improvement of Rural Social Housing.

59. The Implementation Framework Plan is also being developed to set targets and indicators for action under the headings of access to land, land use, land restitution,

irrigation and drainage, technical assistance, rural housing, an interdependent economy, marketing, finance and environmental factors.

### 9. Social and economic reintegration of Colombian refugees who have returned to the country

60. Act No. 1565 of 2012, which contains provisions on, and establishes incentives for, the return of Colombians resident abroad, includes among the types of return the "solidarity return", which includes Colombian victims of the internal armed conflict returning to Colombia, in conjunction with the provisions of Act No. 1448 of 2011 and its regulatory decrees.

### 10. Measures taken to ensure that the victims of internal displacement have access to an adequate standard of living

61. The Unit for Support and Full Reparation for Victims has developed a measurement model to identify victims who do not meet the minimum subsistence level and should receive humanitarian assistance, and also to determine progress in alleviating the vulnerability associated with falling victim to an act of forced displacement. There are three criteria for establishing that a particular person has overcome the situation of vulnerability, which is verified on the basis of seven rights: identity, health, education, food, income generation, family reunification and housing. Once the individual's socioeconomic situation has stabilized, he or she does not require the protection of special social or humanitarian services.

62. In 2016, 627,616 households were identified as victims of forced displacement, lacking at least one of the components of minimum subsistence. Of these, a total of 571,193 households have received at least a humanitarian assistance payment.

63. Of the 7,359,067 victims of forced displacement included in the single register of victims, 6,514,671 had been assessed by April 2017 for the extent of improvement in their situation of vulnerability as a result of displacement. The National Government found that 240,689 victims had overcome their situation of vulnerability, or 48.1 per cent of the target set by the current Government of 500,000 persons by 2018.

### 11. Programmes for the voluntary substitution of illicit crops

64. In implementation of chapter 4 of the Final Agreement, Decree No. 896 of 2017 establishes the Comprehensive National Programme for the Substitution of Illicit Crops to promote the voluntary substitution of these crops through the development of programmes and projects aimed at alleviating the vulnerability of rural families. Families that make a formal commitment to voluntary substitution, and undertake not to resow or grow illicit crops or engage in activities related to them or participate in the illegal trade of raw materials derived from them, will receive the following payments:

65. During the first year:

- 1 million pesos per month, for up to 12 months for peasant farmers, for crop substitution activities, preparation of land for planting legal crops or public works of community interest.
- 1.8 million pesos for the implementation of self-sufficiency and food security projects on a one-off basis, such as growing subsistence crops and raising small animals.
- 9 million pesos one-off payment for undertaking and executing short-cycle and rapid-income projects, such as fish farming and poultry farming.

66. From the second year onwards, in order to ensure better incomes and decent living conditions for families, the Government will invest up to 10 million pesos per family in productive projects and cover the cost of labour. In addition, a special line of credit will be established and technical assistance will be available throughout the process, at a cost of approximately 3.2 pesos per family.

67. The regional bodies responsible for the coordination and management of the Comprehensive National Programme for the Substitution of Illicit Crops are the regional advisory councils, the municipal participatory planning committees and the Municipal Evaluation and Supervision Council.

68. There is a two-track approach to dealing with mineral extraction: prevention and control. For prevention, the sector has developed legislative tools to allow: (1) the formulation of mechanisms for the use of miners operating with a mining concession or as associations; (2) a definition of the various types of mining in order to make strategies for action more focused, especially as regards support for subsistence miners, who need only register with a mayor's office; (3) the establishment of a cap on the production of subsistence or placer miners. In addition, the sector is promoting investment to support small-scale miners with institutional support and training programmes to ensure that their work is conducted in a competitive manner, using technologies that increase productivity and reduce any environmental impact. It is also providing increased access to credit.

## 12. National Food Security and Nutrition Policy

69. Under the Food Security Network Programme, which was developed pursuant to the National Food Security and Nutrition Policy, access to and consumption of food has improved, with the promotion of growing crops for home consumption on small plots of land, the promotion of healthy habits and the use of local products and foods to reduce the incidence of hunger and improve food security throughout the country. The Food Security Network Programme has developed rural and ethnic schemes for the most marginalized communities.

70. The rural scheme covers 15 departments and 59 of the country's municipalities. The departments that have received the most investment and attention are La Guajira, Chocó, Cauca and Nariño, which are the regions where the rate of food insecurity is higher than the national average and where there is a greater concentration of municipalities with a high multidimensional poverty index. The ethnic scheme has been introduced in 13 municipalities in the departments of La Guajira, Chocó, Putumayo, Guainía, Vaupés and Risaralda. The average investment per household is estimated at between 3 million and 4 million pesos over the 13-month period of the scheme. As at December 2016, this programme had reached around 8,700 households and had an implementation budget of 33 million pesos.

71. The Intersectoral Food and Nutritional Security Commission provides technical support in preparing documents and creating opportunities for participation, so that the policy can be strengthened. Results have included the development of an annex on ethnicity and a methodology for consultations leading to the coordinated formulation of the National Policy on Food and Nutrition Security and Autonomy for Indigenous Peoples; the Special Policy on Food and Nutrition Security, which focuses on the rural population; the redesign of document No. 113 of 2008 issued by the National Economic and Social Policy Council, based on the Havana peace accords for the post-conflict period; the mapping of the situation with regard to regional planning on food and nutritional security in the country's 32 departments; and the road map for the incorporation of the issue of food security in departmental and municipal development plans.

## 13. Policy on water supply and basic sanitation in the Pacific region of Colombia

72. Document 3810 of July 2014 issued by the National Economic and Social Policy Council set out the policy for the provision of drinking water and basic sanitation in rural areas of Colombia. This document provides for various courses of action, laying particular stress on the need to make some changes to the regulations in order to take into account the specific conditions of rural areas. Thus, article 18 of Act No. 1753 of 2015, authorizes the National Government to establish a range of different schemes for the provision of drinking water and basic sanitation. Decree No. 1898 of November 2016, which was issued pursuant to that authorization, establishes a specific scheme to provide water-supply, sewerage and refuse-collection services and another specific scheme to provide water for human consumption and basic sanitation using alternative methods.

73. With a view to improving access to drinking water and basic sanitation in the Pacific region of Colombia, the Ministry of Housing and Territorial Development provides continuous assistance to the departments of Nariño, Cauca, Valle del Cauca and Chocó through the departmental water plans in order to enable them to steadily improve the public household services provided to the towns under their jurisdiction. It also supports the formulation of infrastructure projects with resources from the National Government and international cooperation. In particular, the "All for the Pacific" programme, which is funded by the World Bank, includes an institution-building component in a scheme to supply water and basic sanitation in the town of Tumaco. A project entitled "We are the Pacific", which is co-financed by the Spanish Agency for International Development Cooperation, is also under way, focusing on providing 10 towns in Chocó with integrated infrastructure.

74. The national mining policy was adopted pursuant to Decision No. 40391 of April 2016. The implementation of the policy includes the introduction of a formalization programme, the aim of which is to ensure that mining communities engaged in small-scale mining can operate under licence, working as part of the formal economy at the technical, labour, environmental and commercial level.

75. Under this programme, a mining production unit that has a mining licence and environmental documentation is given theoretical and practical on-site training tailored to the specific features of the unit in such a way that technical shortcomings as regards its mining, environmental, social, commercial or economic activities may be identified and rectified. It should be noted that the training includes environmental advice on cleaner production, by means of which it is hoped that mining activities will involve the rational consumption of water resources and cause the least possible pollution of them.

76. Since 2011, the authorities have been promoting activities aimed at eliminating the use of mercury in gold mining in the departments that produce the metal. This has been achieved through the implementation of an investment project entitled "Theoretical and practical training on the reduction or elimination of mercury use in gold beneficiation processes in the national territory".

77. In coordination with the Ministry of Mining and Energy, the National Department of Planning is engaged in establishing a baseline of abandoned mining areas. Under this project, it is hoped to identify and describe ecosystems adversely affected by abandoned mines, which will include identifying and assessing environmental and social risks, such as the pollution of rivers and the impact on the health of communities within their catchment area.

## Article 12

### 14. 10-year public health plan: statistical data

78. The quality-of-life survey conducted by the National Department of Statistics is the instrument used in Colombia as a basis for measuring and determining the population's living conditions, with variables relating to housing, health, education and other factors. In line with the historical evolution of how the relevant indicators have changed, access to health services in Colombia has shown a clear improvement. The Survey shows that there is better provision of health care for those who need it — those using institutional health services — and a decrease in the number of reasons for not seeking medical care, such as the fact that the person was not treated, or suffered bad service, or was able to obtain an appointment with a general practitioner or a dentist. The statistical data on this may be found in annex 3.

79. In the areas with greater population density and more dynamic markets, a wider range of services may be found, whereas in areas where the population is widely scattered, in remote areas and with poor accessibility, supply is limited and provided most commonly by the public health-service providers responsible for health care in these areas (see annex 3).

### 15. Measures to ensure access to health-care services by women and girls, particularly victims of gender violence and sexual violence, and by victims of forced displacement

80. Pursuant to Decision No. 459 of 2012, the Ministry of Health and Social Protection has developed and implemented a number of strategies to address all the 15 steps set out in the Protocol of Comprehensive Health Care for Victims of Sexual Violence.

81. As regards the promotion of sexual rights, reproductive rights and the right to a life free of violence, the Ministry of Health and Social Protection has conducted training workshops since 2010 aimed at community grass-roots organizations, monitoring groups and health users' associations on the enforceability of sexual and reproductive rights and a life free of violence, at which 1,505 people have undergone training in 22 of the country's departments.

82. Wide publicity has been given to a strategy with the overall message of "In gender violence, health comes first", which was distributed to the regional health directorates with a view to getting both health sector managers and the community at large to understand the importance of comprehensive health care as a fundamental element of restoring the rights of victims of gender violence, particularly sexual violence and acid attacks.

83. Through its programme of psychosocial and integrated health care for victims, the Ministry undertakes to provide victims of the armed conflict with psychosocial care in 23 departments of the country. Between 2013 and 2016, 324,244 victims, of whom 202,439 were women, received individual, family or community psychosocial care. Of those, there were 660 female victims of sexual violence in the context of the armed conflict who received one or more kinds of medical care. Psychosocial care is provided by interdisciplinary teams with training and experience in the provision of psychosocial care to victims. From the moment they meet and examine the victims, they identify the psychosocial damage suffered and the action needed to enable individuals, families and communities to move forward after all that they have been through, thus allowing them to engage in the process of emotional release and recovery from the effects and traumas caused by serious human rights violations.

### 16. Measures to counteract the negative environmental and health outcomes of natural resource development projects

84. The measures adopted by Colombia to counteract environmental impacts and their effects on health focus on ensuring the proper direction of public policy. That is why, in 2012, Colombia adopted its 10-year public health plan, which set out targets and strategies for environmental health that would dictate the course of action for 10 years. A comprehensive environmental health policy for the years 2017-2027 is currently being adopted; its objectives include tackling social and environmental vulnerability and developing strategies to reduce environmental impacts on illness. The policy is currently being adapted and adopted by every regional body through the regional environmental health councils. Similarly, improvements have been made to the structure of the unified system of information on environmental health, which has made it possible to determine the indicators that will be given priority at the national level, on the basis of the results obtained, so as to ensure that they will benefit from the necessary management and intersectoral action.

85. In addition, Special Decree No. 1076 of 2015 was issued in order to regulate the environmental licensing of activities that can cause serious damage to renewable natural resources or the environment or can make significant or manifest changes to the landscape. An environmental licence is issued once the holder complies with the requirements, terms, conditions and obligations laid down in it relating to the prevention, mitigation, correction, compensation and management of the environmental effects of a project, operation or work that has been authorized.

86. The Decree provides that an applicant for a licence must carry out an environmental impact study and that the relevant environmental authorities — the National Environmental Licensing Authority and the Regional Autonomous Sustainable Development Authorities — should monitor and follow up a project's environmental plan in order to ensure compliance with the terms agreed on and with environmental legislation.

87. Act No. 133 of 2009 provides for the power of environmental authorities to carry out preventive investigations and adopt punitive procedures in environmental matters. Pursuant to this provision, the National Environmental Licensing Authority has, since its establishment, imposed about 49 sanctions for infringement of environmental law or for violation of obligations set out in the environmental licence or the relevant environmental control and management instrument.

88. The table below shows the figures relating to cases that were investigated, tried and punished for offences that had a negative impact on the environment and health and that were themselves brought about by the exploitation of natural resources. In addressing such cases, the Attorney General's Office concerned itself only with cases containing evidence on the basis of which it could be reasonably inferred that they matched the evidence set out in the application.[5]

| *Year* | *Inquiries* | *Investigations* | *Prosecutions* | *Sentences enforced* | *Early conclusions* | *Entries* |
|---|---|---|---|---|---|---|
| 2012 | 2 052 | 46 | 99 | 136 | 10 | 2 343 |
| 2013 | 2 342 | 57 | 92 | 145 | 11 | 2 647 |
| 2014 | 2 158 | 82 | 84 | 101 | 3 | 2 428 |
| 2015 | 2 315 | 113 | 127 | 80 | 7 | 2 642 |
| 2016 | 2 809 | 216 | 191 | 73 | 12 | 3 301 |
| **Total** | **11 676** | **514** | **593** | **535** | **43** | **13 361** |

*Source*: Oral Accusatory System of Criminal Justice, provided 10 March 2017.

### 17. Negative effects on affected smallholdings and communities of the use of glyphosate and other harmful substances in combating illicit coca crops

89. On 28 April 2015, in the light of a statement issued by the International Agency for Research on Cancer on 20 March 2015, which concluded that the herbicide glyphosate "is probably carcinogenic to humans", thus falling into the Agency's Group 2A classification, the Ministry of Health and Social Protection, taking action pursuant to its public health obligations and in compliance with orders issued by the Constitutional Court, recommended that the National Drug Council should suspend the use of glyphosate in aerial spraying operations for the eradication of illicit crops. At its meeting of 14 May 2015, the Council, after considering the Agency's statement, adopted Decision No. 0006 of 2015 suspending the use of glyphosate in the programme of eradication of illicit crops by aerial spraying using the herbicide glyphosate. In accordance with that Decision, the National Environmental Licensing Authority also ordered the suspension of the use of glyphosate, under Decision No.1214 of 30 September 2015.

90. The Anti-Narcotics Directorate of the National Police is currently planning and implementing ground-based spraying operations to eradicate illegal crops with glyphosate, using stationary agricultural equipment and backpacks, in accordance with Decision No. 708 of 11 July 2016. Authorization has been granted for the amendment of the programme of eradication of illicit crops by aerial spraying using glyphosate. The programme's activities are currently suspended and the introduction of an initial pilot programme for the eradication of illicit crops by ground-based spraying with glyphosate in Nariño and Chocó Departments has been authorized.

91. As for the way that legal crops are affected, in cases where there is proof of a relationship between damage reported by a grower and operations to eradicate illicit crops by aerial spraying with glyphosate, financial compensation is paid to indemnify the grower for the collateral effect of such operations.

[5] These offences are unlawful environmental contamination through the exploitation of mining or oil deposits (Criminal Code art. 333), illegal exploitation of mining deposits or other materials (art. 338), illegal use of renewable natural resources (art. 328), invasion of areas of special ecological importance (art. 337), illegal fishing (art. 335), border violations for the exploitation of natural resources (art. 329) and illegal handling of exotic species (art. 330 (a) of Act No. 1453 of 2011).

## Articles 13 and 14

### 18. Access to preschool education and free primary education

92. Under Act No. 1804 of 2016 establishing State policy on the "From Zero to Forever" comprehensive development of early childhood, the functions of the Early Childhood Directorate of the Ministry of National Education include responsibility for directing the implementation of the educational policy on early childhood and promoting its proper implementation by means of the technical assistance given to local authorities.

93. The action taken by the Ministry on the policy on preschool education for ethnic groups includes (i) the establishment of benchmarks for the construction of a pedagogical approach to preschool education, including a particular focus on differential treatment for the ethnic communities, (ii) support for determining technical benchmarks and guidelines for suitable intercultural methods, particularly as regards the preparation of an operational service manual for preschool education, care and nutrition, as part of a comprehensive approach to early childhood, using appropriate methods in ethnic territories, and (iii) introduction of the "Seeds of Life" narrative of the independent indigenous system in the framework of Decree No. 2406 of 2007.

94. As regards the victims of forced displacement, the figures that emerged from an enquiry into the effective enjoyment of rights published in 2014 by the Victims Unit show that the Ministry of Education provided care for 87.8 per cent of child and adolescent victims of displacement aged between 5 and 17 years who were in preschool, basic or middle education. It was found that there were high attendance rates at school among most of these children.

95. Special Decree No. 1075 of 2015 on the educational sector, which incorporated Decree No. 4807 of 2011, provided for free education for all children in State educational institutions enrolled from preschool level to grade 11. As provided in article 2.3.1.6.4.2, "Free education shall be understood to mean exemption from the payment of school fees and associated services. State educational institutions shall accordingly not be able to charge for schooling or associated services." The resources paid direct to an establishment's educational service fund must be used for the following activities, in accordance with article 11 of Decree No. 4791 of 2008:

- Funding for educational equipment, such as furniture, textbooks, manuals and teaching and audiovisual materials
- Hiring of school transport services
- Costs arising from the preparation of school certificates required by students, reports, timetables and exercise books

96. With regard to the issue of school meals, the Ministry of National Education is currently responsible for the school food programme, which is considered one of the strategies for strengthening the policy of encouraging children to enrol and stay in school, thereby providing the population with unfettered access to education and improving its learning capacity by providing children with food supplements.[6] The programme is aimed at "children and young people registered in the enrolment system".

97. The challenge for educational infrastructure is to ensure that the National Educational Infrastructure Plan, which seeks to reduce the shortage of classrooms and promote the full-day schedule, is implemented. It is hoped that, by 2018, the plan will help to reduce the deficit by 60 per cent and provide 31,000 classrooms, at a cost of 3.9 billion pesos, while the long-term goal is to have the full-day schedule in place for all children by 2025 in urban areas and by 2030 in rural areas.

### 19. Quality of education

98. The Ministry of National Education is committed to improving quality and closing existing gaps. It has therefore developed E Day and the "Always E Day" strategy, involving

[6] Ministry of National Education Decree No. 1852 of 2015.

nationwide initiatives offering specific tools to improve students' learning, strengthen the curriculum and enhance teachers' classroom practices. The two strategies contain a variety of educational materials, including the Basic Rights of Education, the report of the Summary Index on Educational Quality, a report on the improvement of learning in each college and teaching guidelines.

99. One element of these strategies is an educational road map that has been designed to provide directions and support at the national level for the contextualized use of such materials in colleges, through such programmes as the "Learning for All" programme and the full-day schedule.

100. The measures adopted to increase the number of qualified teachers and ensure that they receive a proper salary and continuous quality training are contained in Decision No. 15683 of 2016 of the Ministry of National Education, which set out a handbook on the functions, requirements and competencies for the appointment of head teachers and teachers. On the basis of this tool, notices Nos. 339 to 425 of 2016 were issued, providing for a new open competition to fill 21,342 vacancies for head teachers, teachers and heads of support staff in State educational institutions, with a view to strengthening the career of teaching and the quality of education.

101. The Grants for Teaching Excellence programme has been implemented. The programme grants credits, which are 100 per cent redeemable, to strengthen the academic qualifications of educational establishments and improve the in-service performance of teachers by developing master's programmes in the Colombian universities having the highest accreditation.

102. The State guarantees the payment of social benefits to educators. Between 2014 and 2016, it also paid bonuses on top of inflation, established service allowances for teachers and head teachers in the State education system and provided a retirement bonus for educators on step 14 of the pay scale.

## Article 15

### 20. Cultural diversity and the protection of cultural heritage and intercultural education

103. The Ministry of Culture has put together a policy that seeks to guarantee the cultural rights of the various population groups that make up the ethnic and cultural diversity of Colombia. To this end, under the differential, do-no-harm approach, progress has been made on action to recognize the cultural diversity of ethnic groups, to increase their visibility and to raise social awareness of other population groups.

104. In the case of the indigenous peoples, the course of action agreed with their representative organizations focuses on the following: (1) protection of linguistic diversity; (2) protection of cultural heritage; (3) strengthening of indigenous participation in the national cultural system; (4) revitalization and preservation of memory; and (5) strengthening of local organizational procedures for obtaining access to sources of funding for culture.

105. With regard to the Black, Afro-Colombian, Raizal and Palenquero communities, work is being done on the recognition of the African heritage of these populations by establishing an agenda of cultural dialogue and relevant proposals in the context of the International Decade for People of African Descent, which would secure their cultural identity in accordance with their own initiatives and their cultural and artistic activities.

106. The measures taken to improve the quality of education in ethnic education establishments show significant progress in the policy of providing educational care for the ethnic groups, in a shift away from "ethnic education" to the establishment of a participatory policy that recognizes the community and intercultural educational systems of the ethnic peoples themselves.